

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CESAR MERCEDES,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	23-CV-4766 (VEC)
	:	
UNDERGROUND LIQUIDATION INC., <i>doing</i>	:	<u>ORDER</u>
<i>business as</i> MAGIC MATTRESS R US,	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff did not attend the default judgment hearing in this matter that was scheduled for Friday, January 26, 2024, at 10:00 A.M., Dkt. 25;

WHEREAS on January 26, 2024, the Court ordered Plaintiff to show cause why Plaintiff's counsel should not be sanctioned for failure to appear, *see* Dkt. 27;

WHEREAS on January 29, 2024, Plaintiff's counsel responded that he did not believe that his or his client's attendance at the default judgment hearing was expected or required, *see* Dkt. 28;

WHEREAS the Court sanctioned Plaintiff's counsel Andrew Ross Frisch \$500 for his failure to appear at the default judgment hearing because the Court did not credit his conclusory assertion that he did not understand he needed to appear, Dkt. 29;

WHEREAS Plaintiff filed a motion to reconsider the order sanctioning counsel \$500, Dkt. 32; and

WHEREAS in the motion, Plaintiff included a declaration from counsel's paralegal explaining how the mistake occurred, *see* Dkt. 32-1.

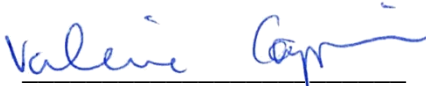
IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration is GRANTED.

The \$500 sanction is withdrawn, and as such, the deadline for payment is canceled.

The Clerk of Court is respectfully directed to terminate the open motion at Dkt. 32.

SO ORDERED.

Date: February 9, 2024
New York, New York



VALERIE CAPRONI
United States District Judge